

## REMARKS

1. The undersigned thanks the examiner Daborah Chucko-Davis and her supervisor Mark Huff for the telephone interview held on May 7, 2007. An interview summary is provided in the discussion below.

2. Claims 1-52 were rejected under 35 U.S.C. 102(e) over U.S. patent no. 6,787,415 to Chung et al. At the interview, the undersigned repeated the arguments that were presented for Claims 1 and 9 in the Amendment for Request for Continued Examination filed January 8, 2007; Reply to Final Office Action filed December 1, 2006; and Reply to Office Action filed July 24, 2006. (Those arguments are being incorporated into this Reply by reference.) The undersigned requested the examiner to explain why those arguments were rejected.

With respect to Claim 1, the examiner and her supervisor simply replied that the arguments would be considered.

With respect to Claim 9, which recites three etches of a first layer, the examiner stated that the three etches read respectively on: two etches of layer 160 as described in Chung's column 5, lines 20-30; and (ii) the etch of a "first layer" described in column 6, lines 40-53. The undersigned responded that column 6, lines 40-53 were part of a claim, and could not necessarily be understood as describing an etch performed in addition to the etches described in column 5 (column 5 is part of a section entitled "DETAILED DESCRIPTION OF SOME EMBODIMENTS"). Supervisory Patent Examiner Huff stated that this argument would be considered if made part of a written response.

It is further noted that column 6, lines 40-53 recite etching a "first layer" rather than layer 160 as in column 5. The examiner correctly interpreted the first layer of column 6 to read on layer 160 rather than be in addition to layer 160. Likewise, the etching of column 6 corresponds to one or more of the etches of column 5 rather than being in addition to the etches of column 5.

3. Further, the office action does not provide reasons for rejecting Claims 51, 52. If the rejection is maintained, reasons therefor are respectfully requested.

If a fee is required for this submission, please charge the fee or any underpayment thereof, or credit any overpayment, to deposit account 50-2257.

Any questions regarding this case can be addressed to the undersigned at the telephone number below.

Certificate of Transmission: I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office (USPTO) via the USPTO's electronic filing system on June 6, 2007.

Michael Shenker 6-6-07  
Attorney for Applicant(s) Date of Signature

Respectfully submitted,

*Michael Shenker*

Michael Shenker

Patent Attorney

Reg. No. 34,250

Telephone: (408) 392-9250, Ext. 212

Law Offices of

MacPherson Kwok Chen & Heid LLP

2033 Gateway Place, Suite 400

San Jose, CA 95110

Tel: (408) 392-9250

Fax: (408) 392-9262